

Appl. No. 10/653,798
Amendment dated April 18, 2007
Reply to Office Action mailed January 19, 2007

Atty. Docket No. BP2488.1

REMARKS/ARGUMENTS

Claims 3, 11 and 21 have been canceled. Therefore, Claims 1, 2, 4-10, 12-20 and 22-26 remain pending in the application. All remaining claims have been rejected. Applicant respectfully requests favorable reconsideration of the claims in view of the following remarks.

Claims 1-26 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claim 41 of copending Application No. 10/660,849. Applicant appreciates the Examiner making Applicant aware of the potential double patenting rejection. If one of these applications should issue, Applicant will address this rejection at that time.

Claims 1-6, 9-14 and 17-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Seppala et al. (US Patent No. 7,120,131 B2) in view of Abramov et al. (U.S. Patent No. 6,486,832 B1). These rejections are respectfully overcome based on the above amendments for the following exemplary reasons.

Applicant respectfully submits that the combination of Seppala et al. and Abramov et al., alone or in combination with any of the other above references, does not disclose or suggest *"for each beacon detected, characterizing the beacon with regard to signal quality when the gain vector of the servicing antenna is substantially directed toward the beacon; based upon the characterization, selecting a desired WAP of the plurality of WAPs; [and] associating with the desired WAP of the plurality of WAPs,"* as claimed in amended independent Claim 1, and similarly claimed in amended independent Claims 9 and 19.

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Applicant respectfully disagrees with the Examiner's statement on page 5 of the Detailed Action that "*Abramov teaches ... characterizing the beacon when the gain vector of the servicing antenna is substantially directed toward the beacon*", as shown in col. 6, lines 33-40 of Abramov.

The cited passage of Abramov (col. 6, lines 33-40) describes a method for fine tuning the direction-agile antenna of Abramov "*to maximize the gain of received RF signals as soon as the wireless link is established between the master device and the slave device.*" Thus, in Abramov, the fine tuning is performed after the master device has established a connection to the slave device. By contrast, in the presently claimed invention, the characterization is performed prior to "*associating with the desired WAP of the plurality of WAPs*", and in fact, is used to "*[select] a desired WAP of the plurality of WAPs*".

Furthermore, the fine tuning process described in the cited passage of Abramov (col. 6, lines 33-40) "*is accomplished by slightly changing the direction of the antenna beam and measuring the signal strength.*" This process is further described on col. 6, lines 43-48 as follows: "*If the ... master device determines that the strength of received RF signals is getting weaker, it drives the antenna to slightly different positions in an attempt to increase the strength of received RF signals,*" and on col. 6, lines 48-51 as follows: "*If the wireless data link is lost, the antenna beam is scanned in all directions until an RF signal from the slave device is detected to restore the wireless data link.*" Therefore, in Abramov, the signal strength measurement is not necessarily made with

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"the gain vector of the servicing antenna ... substantially directed toward the beacon," as claimed in the present application.

For at least these reasons, Applicant respectfully submits that Claims 1, 2, 4-6, 9, 10, 12-14, 17-20 and 22-24 are not obvious over the prior art of record. Claims 3, 11 and 21 have been canceled, thus rendering the rejection of these claims moot. Accordingly, Applicant respectfully requests that the Examiner withdraw the § 103 rejection of Claims 1, 2, 4-6, 9, 10, 12-14, 17-20 and 22-24.

Claims 7-8, 15-16 and 25-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Seppala et al. (US Patent No. 7,120,131 B2) and Abramov et al. (U.S. Patent No. 6,486,832 B1) in view of Crilly, Jr. et al. (U.S. Patent No. 6,611,231 B2). Since Claims 7-8, 15-16 and 25-26 are dependent upon claims that Applicant believes are now allowable, these rejections are also overcome for at least the exemplary reasons proffered above in connection with Claims 1, 2, 4-6, 9, 10, 12-14, 17-20 and 22-24. Accordingly, Applicant respectfully requests that the Examiner withdraw the § 103 rejection of Claims 7-8, 15-16 and 25-26.

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CONCLUSION

As a result of the foregoing, the Applicant asserts that the remaining claims in the Application are in condition for allowance, and respectfully requests an early allowance of such claims.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Garlick Harrison & Markison Deposit Account No. 50-2126 (Ref. BP2488.1).

Respectfully submitted,

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